

REMARKS

The claims have been amended for clarity and to overcome some of the objections set forth on page 2 of the Office Action. Claim 11 has been canceled because it is similar to a claim of commonly owned U.S. Application Serial No. 10/355,262. Claims 30-35 have been added to provide Applicants with the protection to which they are deemed entitled. The limitations of claims 30 and 31 are inherent. The loud speaker limitation of claims 32-35 is disclosed in the specification as filed at page 10, lines 30-32; page 11, lines 4, 5 and page 14, lines 24, 25. Applicants note that a vehicle sound system necessarily includes loudspeakers.

Applicants traverse the objection to the claims for use of the British spellings for synthesize, synthesized, stabilization, and stabilize. The Manual of Patent Examining Procedure, §608.01, in the paragraph bridging pages 600-63 and 600-64, expressly instructs Examiners not to object to British spellings in the claims and/or specification. Accordingly, withdrawal of the objection is in order.

Applicants traverse the rejection of claims 1-19 and 21-28 as being anticipated by Courneau et al., USP 5,987,142. The Office Action incorrectly alleges that Courneau et al., at col. 3, lines 35-41, discloses a user being able to hear real-world sounds, such as threats and/or warnings, from the environment. Col. 3, lines 35-41, of Courneau et al. merely indicates that computer device 12 can manage n sound sources to be spatialized. Computer device 12 receives, through bus 2, information elements concerning the characteristics of the sources to be spatialized (elevation, relative bearing and distance from the pilot user), criteria for personalization of the user's choice, and priority

information, such as threats, warnings and important radio communications. Courneau et al. indicates that all of the sound signals, including tones, speech, and alarms are heard through stereophonic headphones in such a way that they are perceived by the listener as if they came from a particular point of space. The particular point of space may be actual position of the sound source or an arbitrary position. A sound alert of a missile attack is spatially positioned at the point of arrival of the threat, while the pilot of an aircraft hears the voice of his copilot as if the copilot were actually behind the pilot. The positions of the sound sources change as a function of emotions of a pilot, the motions of the head of the pilot and of the aircraft. In this regard, see col. 2, lines 13-25.

Thus, threats or warnings are presented to the user in the same way as other messages. Accordingly, Courneau et al. has no disclosure of being able to hear real-world sounds from an environment in which the user is located while the audio field is cyclically changing the position of at least one synthesized sound source. In Courneau et al., all of the sounds presented to the user are synthesized sound sources, because they are processed to provide spatialized affects. Thus, the requirement of claim 10 of applying a distinctive presentation effect to item-related sounds emanating from at least one synthesized sound source while a user is able to hear real-world sounds is not disclosed by Courneau et al. Also, Courneau et al. does not disclose the requirement of claim 11 of applying a distinctive presentation effect to item-related sounds emanating from at least one synthesized sound source while a user is able to hear real-world sounds from an environment where the user is located.

Apparatus claim 12 includes the requirement for audio output devices being such as to permit a user also to hear real-world sounds from an environment where the user is

located and for generating an audio field in which synthesized sound sources are rendered at their associated rendering positions. Claim 21 requires a rendering subsystem, including audio output devices, arranged to generate an audio field in which sound sources are synthesized at their associated rendering positions, wherein the audio output devices are such as to remit a user also to hear real-world sounds from an environment where the user is located. The Office Action relies on col. 3, lines 35-45 for these limitations. As discussed *supra* such reliance is misplaced.

Dependent claims 2-10, 13-19 and 22-28 are allowable for the same reasons advanced for the claims upon which they depend.

The rejection of claims 20 and 29 as being obvious as a result of Courneau et al. in view of Singer et al., USP 5,889,843, is traversed. Singer et al. fails to cure the foregoing deficiencies in Courneau et al. Consequently, since independent claims 12 and 21, upon which claims 20 and 29 respectively depend, are allowable, claims 20 and 29 are also allowable.

In view of the foregoing amendments and remarks, allowance is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Allan M. Lowe", written over the printed name.

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